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11/20/02
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Francis L. Garing

Serial No.: 09/772,520

Filed: January 29, 2001

For: PLANTS AND SEEDS OF CORN
VARIETY I026458

Group Art Unit: 1649

Examiner: Unknown

Atty. Dkt. No.: DEKA:276US

<p>CERTIFICATE OF MAILING 37 C.F.R. § 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:</p> <p>11/12/02 Date</p> <p>Robert E. Hanson</p>

DECLARATION OF BIOLOGICAL CULTURE DEPOSIT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

I, Timothy R. Kain, hereby declare:

1. I have been employed by DEKALB Genetics Corporation as a Research Assistant from 1995 to 1997 and since 1997, as Patent Scientist, having as my primary responsibility the

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collection and control of information for the legal protection of DEKALB Genetics Corporation proprietary inbreds and hybrids.

2. That the following material referred to in the specification of the above-referenced application has been deposited with a depository meeting Budapest Treaty requirements:

TAXONOMIC DESCRIPTION

ATCC DEPOSIT NUMBER

2500 seeds of Zea mays - Corn Variety I026458

PTA-3228

3. I affirm that should the seed deposit become nonviable or be inadvertently destroyed, I will replace such seed for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the effective life of any patent issued on the above-mentioned application, whichever period is longer.

4. That with respect to availability of the seed, I affirm that the deposit will be made under conditions of assurance of:

- (a) ready accessibility thereto by the public if a patent is granted, whereby all restrictions to the availability to the public of the seed so deposited will be irrevocably removed upon the granting of the patent; and

- (b) access to the seed will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122. Evidence of the accessibility of the seed as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited seed.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: April 4, 2001



Timothy R. Kain